REMARKS/ARGUMENTS

Claim 37 has been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification. No new matter has been added. Reconsideration in view of the following remarks is respectfully requested.

The First 35 U.S.C. § 101 Rejection

Claims 37-38 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly inoperable. Specifically, the office action states that the presence of "carrier wave" in the specification is not tangible. Applicant respectfully disagrees. However, to expedite prosecution, the specification has been amended to remove the reference to carrier wave and thus obviate this rejection. Accordingly, it is respectfully submitted that claims 37-38 satisfy the requirements of 35 U.S.C. § 101 and it is respectfully requested that this rejection be withdrawn.

The Second 35 U.S.C. § 101 Rejection

Claims 6-12, 16-17, 19-20, 22-23, 33 and 37-38 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly non-statutory. Specifically, the office action states with reference to claim 19 that a "determination is not a tangible result, and thus the claim is non-statutory." Applicant respectfully disagrees. This rejection is respectfully traversed.

Initially, it should be noted that claim 19 pertains to a method for determining whether a copyright registration update is needed. Hence, claims 19 is does not pertain to a program storage device as alleged by the Examiner. Furthermore, claim 19 recites "producing copyright registration application information when it is determined that the copyright registration update is needed for the website" which is a tangible aspect to claim 19. While this information might be data, this copyright registration application information is not mere data but is instead information having a practical, real world application. *Arrhythmia Research Tech. v. Corazonix Corp.*, 958 F.2d 1053, 1059, 22 USPQ2d 1033, 1038 (Fed. Cir. 1992).

Claim 37 pertains to a program storage device that by its very nature is tangible. With the specification having been amended as noted above, it is submitted that there is not basis to reject claims 37-38 under 35 U.S.C. § 101.

Accordingly, it is respectfully submitted that claims 6-12, 16-17, 19-20, 22-23, 33 and 37-38 satisfy the requirements of 35 U.S.C. § 101 and it is respectfully requested that this rejection be withdrawn.

Rejection under 35 U.S.C. § 103 Rejection

Claims 6-11, 16-17, 19-20, 22-24, 27-31 and 34-38 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Freivald (USP 5,898,836) in view of Glogau (USP 5,983,351) among which claims 19, 24 and 37 are independent claims. In addition, claims 12, 25, 26, 32 and 33 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Freivald (USP 5,898,836) in view of Glogau (USP 5,983,351) and further in view of *Information Today*. These rejections are respectfully traversed.

The First 35 U.S.C. § 103 Rejection

Claims 6-12, 16-17, 19-20, 22-24, 27-31 and 34-38 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Freivald (USP 5,898,836) in view of Glogau (USP 5,983,351) among which claims 19, 24 and 37 are independent claims. Applicant also respectfully disagrees with the rejection of these claims. This rejection is respectfully traversed.

Claim 19

A. The combination of Freivald and Glogau does not teach "determining that the copyright registration update is needed for the website based on the change indication"

As provided in the Specification, the "registration monitoring system also includes an update registration process that serves to process updated registrations for the websites that have been determined to desire such updates." (Specification, page 8, lines 29-31). When an updated registration for a particular website is deemed

appropriate or recommended, … the requester can receive a notification from the monitoring server 302 advising that an updated registration is deemed appropriate or recommended." (Specification, page 5, lines 17-20). Thus, a determination is made whether a copyright registration update is needed for a website.

A prior Office Action [which is incorporated by reference in the current Office Action] admits that Freivald does not teach "updating a United States copyright registration as claimed" yet argues that Freivald teaches in "response to a sufficient degree of change in the CRC value, a determination is made for the need of an update action. The update action may [be] a correction links on the stored page (column 13, line 65- column 14, line 10)." To the extent that the Office Action argues that Freivald teaches an update action, the Office Action is improperly reading Freivald. The citation provided by the examiner merely teaches that the "webmaster can register all of the URL's of hyper links on his web page. Thus, when any of the linked pages change, the webmaster is notified." There is no update action that occurs. Rather, when the linked page changes, a notification is sent to the webmaster so that webmaster can avoid the embarrassment of failed links – no update action is taken, taught or suggested by Freivald. Thus, Freivald does not teach, disclose, or suggest "determining that the copyright registration update is needed for the website based on the change indication" as claimed in Claim 19.

B. Freivald and Glogau do not teach or suggest comparing page defining information to determine whether a copyright registration update is needed

Moreover, claim 19 recites that page defining information for a website is used when comparing a current version of the website with a prior version (or earlier stored version) of the website. The results of the comparison are used to determine whether a copyright registration update is needed for the website. Freivald and Glogau fail to teach or suggest use of page defining information when comparing a current version of a website with a prior version to determine whether a copyright registration update is needed for the website. The change-detection tool described in Freivald uses a checksum or CRC as a digital fingerprint to determine if a current version of a web page is identical to a prior version of the web page. In contrast, the page defining information

pertains to attributes of a website. As noted in the specification, page defining information can include a variety of different characteristics or parameters of a web page. Examples of such attributes are "file date, file size, word count, number of links, frame layout, tables, color, number of inputs, number of buttons and types of buttons, etc." See, e.g., Specification pages 17-19. Hence, it is submitted that CRC approach used in Freivald does not each or suggest use of page defining information when determining whether a copyright registration update is needed for the website

C. There is no motivation or suggestion to combine Freivald and Glogau

There is nothing of record that would motivate on skilled in the art to combine Freivald and Glogau as proposed by the Examiner. These references, even if combined, simply do not suggest the desirability of the claimed invention.

Freivald merely teaches comparing web pages to determine a percentage of change to simply reduce "the time and effort required by a user wanting to keep abreast of changes at a web site." Glogau simply teaches a method to determine the proper copyright forms to register with the Copyright office. Nowhere does Freivald suggest, mention, or disclose updating a copyright registration nor does Glogau suggest, mention, or disclose comparing documents to determine whether an update is required. Thus, there is no suggestion or motivation in the prior art references themselves to the make the modification needed to arrive at the claimed invention. Specifically, nowhere in Freivald or Glogau does it teach or suggest "determining that the copyright registration update is needed for the website based on the change indication" as claimed in Claim 19 neither has the Examiner provided for such as finding.

Accordingly, since the combination of the prior art references do not to teach all the claimed limitations, there is no reasonable expectation of success that the alleged combination would result in the claimed invention and there is no suggestion or motivation to combine the references. Thus, it can not be said that Claim 19 is obvious over Freivald in view of Glogau. It is respectfully requested that this rejection be withdrawn.

Claim 24

A. The combination of Freivald and Glogau does not teach "determining that the copyright registration update is needed" or "determining update registration for a subsequent copyright registration for the website ... the update registration information automatically being based at least in part on the prior registration information"

As provided in the Specification, the "registration monitoring system also includes an update registration process that serves to process updated registrations for the websites that have been determined to desire such updates." (Specification, page 8, lines 29-31). When an updated registration for a particular website is deemed appropriate or recommended, ... the requester can receive a notification from the monitoring server 302 advising that an updated registration is deemed appropriate or recommended." (Specification, page 5, lines 17-20).

Additionally, "registration information is determined 612 based on the prior registration information. Here, the registration information that is determined 612 is for use with an update registration. By utilizing the prior registration information in determining 612 the registration information, the amount of additional information that needs to be newly provide is substantially reduced." (Specification, page 9, lines 24-29). Thus, a determination is made whether a copyright registration update is needed for a website and the registration information used is based, in part, upon prior stored registration information.

As stated above, Freivald does not teach, disclose, or suggest making a determination for a copyright update, much less "determining that the copyright registration update is needed for the website based on the change indication" as claimed in Claim 24. Further, neither Freivald nor Glogau teaches or suggests "determining update registration for a subsequent copyright registration for the website ... the update registration information automatically being based at least in part on the prior registration information" as claimed in Claim 24.

B. Freivald and Glogau do not teach or suggest comparing descriptive information of websites to determine whether a copyright registration update is needed

Moreover, claim 24 recites that descriptive information for a website is used when comparing a current version of the website with a prior version (or earlier stored version) of the website. The results of the comparison are used to determine whether a copyright registration update is needed for the website. Freivald and Glogau fail to teach or suggest use of descriptive information when comparing a current version of a website with a prior version to determine whether a copyright registration update is needed for the website.

C. The combination of Freivald and Glogau does not teach "initiating the subsequent copyright registration for the website with the U.S. Copyright Office"

Neither Freivald nor Glogau teach or suggest initiating a subsequent copyright registration with the U.S. Copyright Office. In addition, Freivald and Glogau do not teach or suggest that the subsequent copyright registration uses updated registration information that is automatically based in part on the prior registration information for the prior copyright registration.

D. There is no motivation or suggestion to combine Freivald and Glogau

There is nothing of record that would motivate on skilled in the art to combine Freivald and Glogau as proposed by the Examiner. These references, even if combined, simply do not suggest the desirability of the claimed invention.

Freivald merely teaches comparing web pages to determine a percentage of change to simply reduce "the time and effort required by a user wanting to keep abreast of changes at a web site." Glogau simply teaches a method to determine the proper copyright forms to register with the Copyright office. Nowhere does Freivald suggest, mention, or disclose updating a copyright registration nor does Glogau suggest, mention, or disclose comparing documents to determine whether an update is required. Thus, there is no suggestion or motivation in the prior art references themselves to the

make the modification needed to arrive at the claimed invention. Specifically, nowhere in Freivald or Glogau does it teach or suggest "determining that the copyright registration update is needed for the website based on the change indication" as claimed in Claim 24 neither has the Examiner provided for such as finding.

Accordingly, since the combination of the prior art references do not to teach all the claimed limitations, there is no reasonable expectation of success that the alleged combination would result in the claimed invention, and there is no suggestion or motivation to combine the references, it can not be said that Claim 24 is obvious over Freivald and Glogau. It is respectfully requested that this rejection be withdrawn.

As to the dependent claims, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable. In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Additionally, Applicant submits that the Examiners comments concerning claims 34-36 on pages 4 and 5 of the Office Action are not supported by Freivald. However, such comments are moot since these claim depend from claim 24 which is itself patentably distinct from Freivald in view of Glogau.

Claim 37

Claim 37, although pertaining to a program storage device, includes limitations similar to those noted above with respect to claim 19. Hence, for similar reasons noted above, it is respectfully submitted that claim 37 is patentably distinct from Freivald in view of Glogau. Moreover, claim 37 further recites: "wherein the page defining information pertains to a plurality of different attributes of the at least a portion of the website, the attributes including at least two or more of: name, position, size, date, and links." Consequently, the use of CRC values in Freivald can surely not be said to teach or suggest attributes such as recited in claim 37.

The Second 35 U.S.C. § 103 Rejection

Claim 12, 15, 16, 32, and 33 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Freivald in view of Glogau and further in view of Information Today. This rejection is respectfully traversed. Claims 12, 15, 16, 32, and 33 depend from independent Claims 19 or 24. Accordingly, the arguments set forth above are equally applicable to these claims. The base claims being allowable, the dependent claims must also be allowable. In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Accordingly, the prior art references, when combined, do not teach or suggest the elements of the claimed invention and there is no reasonable expectation of success that the combination will result in the claimed invention. Thus, it is respectfully requested that this rejections under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,

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